

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

James McGraw Jr. 20017345 A 9/34
Full name and prison number
of plaintiff(s)

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

v.

Commissioner Robert Allen

Governor Bob Riley

CIVIL ACTION NO. 2:08CV189-MEF
(To be supplied by the clerk
of U.S. District Court)

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal
court dealing with the same or similar facts involved
in this action? YES(☒) NO()

B. Have you begun other lawsuits in state or federal
court relating to your imprisonment? YES() NO(☒)

C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) James McGraw Jr.

Defendant(s) Captain Bishop and Warden Grant Culloven

2. Court (if federal court, name the district; if
state court, name the county) Escambia

3. Docket number one not assigned
4. Name of judge to whom case was assigned Bradly B. Byrne
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) The court refused to enforce the U.S. Const. on the grounds plaintiff was asking the court to micro-manage the conditions of his
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition March 6th, 2008

II. PLACE OF PRESENT CONFINEMENT Holman Prison

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Holman Prison

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Commissioner Robert Allen - P.O. Box 301501, Montgomery, AL 36130-1508</u>	
2. <u>Governor Bob Riley - Governor's Mansion - Montgomery, AL 36104</u>	
3. _____	
4. _____	
5. _____	
6. _____	

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED The discipline group is committing it every day 24 hours a day, in the segregation unit.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: See Attached page 8, 9, & 10

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

See Affidavit pages 8, 9 & 10

GROUND TWO: _____

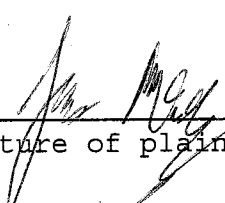
SUPPORTING FACTS: _____

GROUND THREE: _____

SUPPORTING FACTS: _____

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

See Attached page 6.

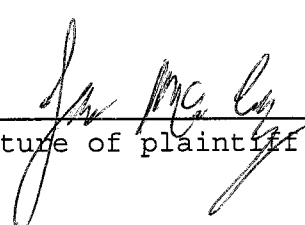

Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on

3/17/08

(Date)


Signature of plaintiff(s)

COUNT I

James Mc Graw, Jr [Mc Graw] Eighth And Fourteenth Amendment Rights provided by the United States Constitution As the defendant's Commissioner Robert Allen and Governor Bob Riley the custodians of the State of Alabama Prison System. Are Aware of the New Terrorists they have housed in the Alabama Dept. of Corrections [ADOC], Gang Member's. The defendant's Are Aware the New Terrorists Are Killing, Rape, Assaulting, drug trafficking, extorting and preying on ^{inmate} cinder inmates. The defendant's have failed to Address this problem and have not implemented new training for officer's, builded new prison to house these ~~unhappy~~ mentalities of social pariah or implemented regulations and policies about what their subordinates should do at the prison units. When the gang members utilize new methods to Assault other inmates housed in segregation.

In the year 2004 Mc Graw was transferred to the segregation unit of Holman Unit. Upon Mc Graw's arrival there a homosexual inmate named Costella was transferred there to appear in Court on a charge of murdering another inmate. When this murder occurred Mc Graw wrote a newspaper Article about this senseless killing and the homosexual environment of Holman Prison. The gang members who are deeply involved in homosexual activity took offense with Mc Graw about writing the newspaper Article about the homosexual Costella and declared him violent. Mc Graw was transferred to W.E. Donaldson Unit, where the violation by the gang member continued from Holman Unit with gang member's transferred there. Mc Graw was then transferred to St. Clair Unit where gang member's from Holman Unit continued the violation until Mc Graw was released to the general prison population.

On the 18th day of January, 2008 Mc Gwire was transferred back to Holman Unit segregation unit. Placed in cell K-3, A former gang member a young man Mc Gwire didn't know by the name of Kenneth Williams was assigned in the cell next door to him K-2. Got wind of what the gang members were about to do to Mc Gwire and out of the blue told Mc Gwire to turn to the Christian daily bread booklets given to them by the chaplain and to read January 21, 2008. It dealt with strength and courage that Dr. Martin Luther King sought from God when he was afraid. The former gang member 25 years of age Kenneth Williams was trying to prepare Mc Gwire for the nefarious conduct the gang members were going to assault him with.

The gang members started working in three shifts mentally assaulting Mc Gwire, A strategy they call killing behind the doors. This psychological gang strategy where the gang members call Mc Gwire homosexual caricatures all day and night to deprive him of sleep, social discord, causing him to suffer elevation of his high blood pressure, pain due to stress causing his ulcers to hurt and PARANOIA. Mc Gwire has been subject to this psychological torture for 60 days day and night 24 hours a day and is physically and mentally deteriorating.

Mc Gwire has made numerous request for protection from the supervisor's at Holman Unit and they have denied and refuse to protect. Based upon this failure Mc Gwire on the 19th day of February, 2008 filed a complaint with defendants Robert Allen and Governor Bob Riley. As of the date of filing this complaint the defendants haven't taken any actions to protect Mc Gwire from the psychological assault the gang members are torturing him daily with.

RELSEF

That McConico be removed immediately from this hostile environment and the former gang member Kenneth Williams, who has risked his life to testify from Helman's Prison Segregation Unit. That the defendant's be ordered to implement new training to all employees on how to identify gang activity and the violent methods employed by gang members use to mentally and physically harm individuals. That regulations and policies be established on how to deal with the reporting of gang assaults mental and physical to protect older prisoners and that the State of Arizona admit the seriousness of it's 18 year old gang problem. That funds be allocated to build a prison to house dangerous gang members as other states have determine and learned this is the only appropriate method to deal with the New Terrorist's housed in the ADOC, gang members.

Jim McConico - #112395
Helman Unit 3700 - K-3
Atmore, AL 36503

To: Office of the Clerk

United States District Court

P.O. Box 711

Montgomery, AL 36101-0711



Mr. James Mc Graw Jr.

117395 - K-3

Johns Unit 3700

Attorney, AL 36503